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4 ROBERT KINANN, et al.,  
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9 Plaintiffs,

No. C 10-2608 PJH

10 v.  
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12 CENTEX HOME EQUITY COMPANY,  
et al.,

**ORDER RE APPLICATION TO  
THE COURT TO APPROVE LIS  
PENDENS**

13 Defendants.  
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15 The court is in receipt of plaintiff's application to the court to approve lis pendens.

16 The application, consisting of a single page unaccompanied by any exhibits or documents,  
17 requests the signature of a "Judge of the Superior Court" in determining that the complaint  
18 contains a claim which would affect title to real property.

19 The court DENIES plaintiff's request. A lis pendens is a state law instrument  
20 providing constructive notice of a pending lawsuit affecting title to certain real property and  
21 that ensures that any person who attempts to buy that property takes it subject to any  
22 judgment that may be entered. See Bishop Creek Lodge v. Scira, 46 Cal. App. 4th 1721,  
23 1733 (1996). Plaintiff appears to be aware of this, as his application requests the signature  
24 of a Superior Court judge.

25 Since plaintiff, however, seeks to prosecute his action in federal court, plaintiff's  
26 request for an application made pursuant to state law, is improper. Plaintiff must adhere to  
27 procedural motions and applications permissible under federal rules or law, or else to  
28 explain or cite the legal authority that allows the court to apply state law in granting

1 plaintiff's request.

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3 **IT IS SO ORDERED.**

4 Dated: July 16, 2010

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PHYLLIS J. HAMILTON  
United States District Judge